

UNITED STATES FEDERAL COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL DOCKET NO: 16-CV-10105 - 030

ANDRE BISASOR)
PLAINTIFF,)
)
V.)
)
DANSLAV SLAVENSKOJ,)
DEFENDANTS)

FILED
IN CLERK'S OFFICE
MAY 23 PM 12:11
U.S. DISTRICT COURT
DISTRICT OF MASS.

**MOTION FOR LEAVE OF COURT TO FILE AND TO EXCEED 20 PAGES FOR A
REPLY/REBUTTAL TO HARVARD DEFENDANTS OPPOSITION [ECF #27] TO
PLAINTIFF'S MOTION TO STAY PENDING APPEAL [ECF #23 & 24]**

I respectfully request leave to file the attached reply/rebuttal memorandum in support of my motion to stay pending appeal and to exceed 20 pages. In support of this motion, I state the following:

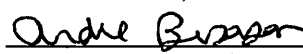
1. In its recently filed oppositions [ECF#27 and #28], Harvard has argued that the Court of Appeals has no jurisdiction to hear an appeal on an interlocutory basis in this instance, that my appeal was improperly taken and there is no legitimate basis for me to request for stay pending appeal and that my appeal should be dismissed.
2. These are new arguments never raised in the first opposition [ECF #16] to my initial request for a stay [ECF #15]. Because the Harvard defendants have created new arguments and assertions in their two recent oppositions, that were not raised before, I therefore have reasonable grounds to address those issues and those arguments in the attached memorandum as a reply memorandum.
3. I believe that the standard for granting a leave to file a reply is whether the party making the reply would be unable to contest matters that were presented to the court for the first time by opposing counsel in their opposition. *Lewis v. Rumsfeld*, 154 F. Supp. 2d 56, 61 (D.D.C. 2001).

4. Further, because I did not have a chance to addressing these new arguments in my previously filed motion for stay pending appeal [ECF #23-24], and if this court denies my stay pending appeal and remand the case to state court, then I will not have another forum in which to address them if I cannot file the attached reply memorandum.
5. Insofar as my appeal is pending, it is essential for me, as the Plaintiff, to reply to Defendants' arguments to that end.
6. Also, because I am not a lawyer, and not accustomed to making these legal arguments in court, I require a little leeway in being able to develop my arguments, quote statutes, cite cases, and present material in a persuasive and effective way. As you can see, I have presented very strong arguments and facts in my reply but in order to do so and to try to match the skill and expertise of top-trained lawyers for Harvard, I needed more space to do so. I hope that this court will allow substance over form on this occasion as these issues touches upon a very critical matter. Harvard also packed a lot of law and case references into their oppositions and their arguments are of a highly technical nature, especially for a pro se plaintiff. I needed more space to unpack these references and law and keep in mind that I am also attempting to respond to two oppositions from Harvard [ECF #27 and #28].
7. The Harvard Defendants' opposition misconstrues the real bases for appellate jurisdiction, among other things, and it also disregards certain key elements that show that my appeal is proper and that a stay pending appeal is warranted. Moreover, Defendants incorrectly contest the clear and explicit jurisdiction of the First Circuit. Harvard also referenced a skewed procedural history (for state court), has also mischaracterized my arguments and has also misquoted the law.
8. Therefore, a proper reply is required to put this Court in a position to adequately address the pending request for a stay pending appeal.

9. In order to present to the Court a complete discussion of the above-referenced matters, I hereby ask permission to file the attached reply memorandum for which leave is hereby requested.

WHEREFORE, I hereby humbly request this Honorable Court grant my request and/or other relief that the Court deems just and proper.

Respectfully submitted,



Plaintiff Andre Bisasor
119 Drum Hill Rd, #233
Chelmsford MA 01824
781-492-5675

Dated: May 20, 2016

CERTIFICATE OF SERVICE

I hereby certify that on this date, upon information and belief, the Court's ECF system will serve an electronic copy of the foregoing upon the following counsel of record:

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I further certify that on this date, I caused a copy of the foregoing to be served upon each of the following non-ECF registered parties:

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Plaintiff Andre Bisasor
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Dated: May 23, 2016